


**Service of Process
Transmittal**

02/03/2022

CT Log Number 540998174

TO: Attn: Legal SOP Meijer
Meijer, Inc.
2929 Walker Ave NW
Grand Rapids, MI 49544-6402

RE: Process Served in Wisconsin

FOR: MEIJER STORES LIMITED PARTNERSHIP (Domestic State: MI)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: JILL LANCELLE, KELLY LANCELLE, LANDON LANCELLE vs. MEIJER STORES LIMITED PARTNERSHIP,

DOCUMENT(S) SERVED: Notice, Complaint

COURT/AGENCY: Waukesha County Circuit Court, WI
Case # 2022CV000045

NATURE OF ACTION: Insurance Litigation

ON WHOM PROCESS WAS SERVED: C T Corporation System, Madison, WI

DATE AND HOUR OF SERVICE: By Process Server on 02/03/2022 at 15:41

JURISDICTION SERVED : Wisconsin

APPEARANCE OR ANSWER DUE: Within 45 days after service

ATTORNEY(S) / SENDER(S): Peter G. Duffey
Duffey & Associates, S.C.
W240 N1221 Pewaukee Road
Waukesha, WI 53188
262-549-2003

ACTION ITEMS: CT has retained the current log, Retain Date: 02/03/2022, Expected Purge Date: 02/08/2022

Image SOP

Email Notification, Attn: Legal SOP Meijer LegalSOP@meijer.com

REGISTERED AGENT ADDRESS: C T Corporation System
301 S. Bedford Street
Suite 1
Madison, WI 53703
866-401-8252
EastTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

FILED
01-11-2022
Clerk of Circuit Court
Waukesha County
2022CV000045

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

JILL LANCELLE,
W1631 Garfield Avenue
Sussex, WI 53189,

KELLY LANCELLE,
W1631 Garfield Avenue
Sussex, WI 53189,

LANDON LANCELLE,
A Minor,
W1631 Garfield Avenue
Sussex, WI 53189,

Plaintiffs,

PHIA GROUP
40 Pequot Way
Cantor, MA 02021,

MEDICAID,
c/o DEPT. OF HEALTH SERVICES
1 West Wilson Street, Room 651
Madison, WI 53703,

Involuntary Plaintiffs,

vs.

MEIJER STORES LIMITED PARTNERSHIP,
c/o Registered Agent: CT CORPORATION
301 S, Bedford Street, Ste. 1
Madison, WI 53703,

Defendant.

COMPLAINT

NOW COME the above-named Plaintiffs, Jill Lancelle, Kelly Lancelle, and Landon Lancelle, a minor, by their attorneys, Duffey & Associates, S.C., and as and for a complaint against the above-named Defendants, and each of them, alleges and shows to the court as follows:

1. Plaintiff, Jill Lancelle, is an adult resident of the City of Sussex, County of Waukesha, State of Wisconsin, residing at W1631 Garfield Avenue, Sussex, WI 53189.

2. Plaintiff, Kelly Lancelle, is an adult resident of the City of Sussex, County of Waukesha, State of Wisconsin, residing at W1631 Garfield Avenue, Sussex, WI 53189.

3. Plaintiff, Landon Lancelle, is a minor resident of the City of Sussex, County of Waukesha, State of Wisconsin, residing at W1631 Garfield Avenue, Sussex, WI 53189.

4. Upon information and belief, at all times material hereto, Involuntary Plaintiff, MEDICAID, was an insurance corporation licensed to do business in the State of Wisconsin, located at Department of Health Services, 1 West Wilson Street, Room 651, Madison, WI 53703. Involuntary Plaintiff, MEDICAID, may have made certain medical payments on behalf of Plaintiffs, Kelly Lancelle and Landon Lancelle, as a result of the accident referred to below and may have an equitable or contractual interest in this matter to the extent allowed by Wisconsin Statutes.

5. Upon information and belief, Meijer Stores Limited Partnership (hereinafter "Meijer") is located in the City of Waukesha, County of Waukesha, located at 801 E. Sunset Drive, Waukesha, WI 53189. Meijer is the owner of the property located at 801 E. Sunset Drive, Waukesha, WI 53189, where Plaintiffs, Jill Lancelle, Kelly Lancelle and Landon Lancelle, were injured, as further described hereto.

6. Upon information and belief, and at all times material hereto, and more specifically on January 8, 2019, Defendant, Meijer was a self-insured company, whose registered agent is CT Corporation System, 301 S. Bedford Street, Ste. 1, Madison, WI 53703 insuring them against damages and injuries caused by their negligence and that said liability policy was in full force and effect at the time and place of the incident referred to below.

7. Upon information and belief, on January 8, 2019, Plaintiffs, Jill Lancelle, Kelly Lancelle, and Landon Lancelle, were shopping at Meijer when a fog rolled over them caused by a motorized cart which had run into the fire extinguisher causing it to release.

8. Upon information and belief, the Defendant, Meijer was negligent in that it failed to maintain in a safe condition, at the store located in Waukesha, at 801 E. Sunset Drive, Waukesha, WI 53189.

9. That the above-described negligence was a direct and proximate cause of the injuries and damages sustained by the Plaintiffs, Jill, Kelly and Landon Lancelle.

10. That as a result of the causal negligence of Defendant, Meijer, as aforesaid, Plaintiffs, Jill Lancelle, Kelly Lancelle, and Landon Lancelle, sustained serious physical injuries, have endured pain, suffering and disability in the past, will endure pain, suffering and disability in the future, has incurred medical expenses in the past and will continue to incur medical expenses in the future, all to their damage in an amount to be determined at the trial of this matter.

11. That building located at 801 E. Sunset Drive, Waukesha, WI 53189, City of Waukesha, County of Waukesha, State of Wisconsin, where the incident occurred, was a structure under Section §101.11(1), Wis. Stats.

12. Upon information and belief, the Defendant, Meijer, as owner of the building, had a non-delegable duty to maintain the safety inside their store and all other areas of the building and business as safe as the nature of the place would have reasonably permitted.

13. That the above-described failure to comply with the Safe Place Statute was a direct and proximate cause of the injuries and damages sustained by the Plaintiffs, Jill Lancelle, Kelly Lancelle and Landon Lancelle.

14. That as a result of the causal negligence of Defendant, Meijer, as aforestated, Plaintiffs, Jill Lancelle, Kelly Lancelle and Landon Lancelle, sustained serious physical injuries, have endured pain, suffering and disability in the past, will endure pain, suffering and disability in the future, has incurred medical expenses in the past and will continue to incur medical expenses in the future, all to their damage in an amount to be determined at the trial of this matter.

A TRIAL BY A JURY OF TWELVE (12) IS HEREBY DEMANDED

WHEREFORE, the Plaintiffs demand judgment as follows:

A. Judgment in favor of the Plaintiffs, Jill Lancelle, Kelly Lancelle and Landon Lancelle, on their claims of relief against Defendant, Meijer, for such sum of damages to be determined by the court.

B. Judgment or adjudication of any subrogation claim which, has or may have as a consequence of its payment for medical expenses incurred by the Plaintiff, Jill Lancelle, Kelly Lancelle and Landon Lancelle, as a result of the personal injuries they sustained in the accident of January 8, 2019, which is the subject of this litigation.

C. Reasonable attorney's fees and costs and such other relief as the court deems just and equitable.

Dated this 8th day of January, 2022.

DUFFEY & ASSOCIATES, S.C.
Attorneys for Plaintiffs

Electronically signed by Peter G. Duffey
State Bar No. 1022895

Mailing Address:

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